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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

SALEM COMMUNICATIONS
CORPORATION, a Delaware corporation;
and MAX FROST, an individual,

Defendants.

Case No.: 2:10-cv-1034

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC ("Righthaven") complains as follows against Salem Communications Corporation ("Salem") and Max Frost ("Mr. Frost"; collectively with Salem known herein as the "Defendants"), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Salem is, and has been at all times relevant to this lawsuit, a Delaware corporation.

5. Salem is, and has been at all times relevant to this lawsuit, identified by the current registrar, Corporate Domains, Inc. (“Corporate Domains”), as the registrant of the Internet domain found at <blogtownhall.com> (the “Domain”).

6. Salem is, and has been at all times relevant to this lawsuit, identified by Corporate Domains as the administrative and technical contact for the Domain.

7. Mr. Frost is, and has been at all times relevant to this lawsuit, the author of the personal blog forum found at www.melcward.blogtownhall.com (the content accessible through the Domain and the Domain itself, collectively known herein as the “Website”), as identified by the Website, attached hereto as Exhibit 1.

JURISDICTION

8. This Court has original subject matter jurisdiction over this copyright infringement action, pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

9. Righthaven is the copyright owner of the literary work entitled: “Conservatives already getting nasty in drive to unseat Reid” (the “Work”), attached hereto as Exhibit 2.

10. The Defendants willfully copied, on an unauthorized basis, the Work from a source emanating from Nevada.

11. At all times relevant to this lawsuit, the Work depicted and depicts the original source publication as the Las Vegas *Review-Journal*.

12. On or about March 17, 2010, the Defendants displayed an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 3, on the Website.

FACTS

24. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(1).

25. Righthaven is the owner of the copyright in and to the Work.

26. The Work was originally published on February 9, 2010.

27. On June 8, 2010, the United States Copyright Office (the “USCO”) granted Righthaven the registration to the Work, copyright registration number TX0007151827 (the “Registration”) and attached hereto as Exhibit 4, is evidence of the Registration from the official USCO database record depicting the occurrence of the Registration.

28. As of June 25, 2010, Salem is, and has been at all times relevant to this lawsuit, identified by Corporate Domains as the registrant, administrative contact and technical contact for the Domain.

29. On March 17, 2010, the Defendants reproduced an unauthorized copy of the Work on the Website.

30. The Defendants did not seek permission, in any manner, to reproduce, display, or otherwise exploit the Work.

31. The Defendants were not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

32. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 31 above.

33. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).

34. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

35. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. § 106(3).

1 36. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
2 U.S.C. § 106(5).

3 37. The Defendants reproduced the Work in derogation of Righthaven's exclusive
4 rights under 17 U.S.C. § 106(1).

5 38. The Defendants created an unauthorized derivative of the Work in derogation of
6 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

7 39. The Defendants distributed an unauthorized reproduction of the Work on the
8 Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(3).

9 40. The Defendants publicly displayed an unauthorized reproduction of the Work on
10 the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(5).

11 41. Salem has willfully engaged in the copyright infringement of the Work.

12 42. Mr. Frost has willfully engaged in the copyright infringement of the Work.

13 43. The Defendants' acts as alleged herein, and the ongoing direct results of those
14 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
15 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

16 44. Unless the Defendants are preliminarily and permanently enjoined from further
17 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
18 entitled to preliminary and permanent injunctive relief against further infringement by the
19 Defendants of the Work, pursuant to 17 U.S.C. § 502.

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21 **PRAYER FOR RELIEF**

22 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

23 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
24 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related
25 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
26 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
27 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
28 directing, participating in, or assisting in any such activity;

1 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies
2 or electronic copies:

3 a. All evidence and documentation relating in any way to the Defendants'
4 use of the Work, in any form, including, without limitation, all such evidence and
5 documentation relating to the Website;

6 b. All evidence and documentation relating to the names and addresses
7 (whether electronic mail addresses or otherwise) of any person with whom the
8 Defendants have communicated regarding the Defendants' use of the Work; and

9 c. All financial evidence and documentation relating to the Defendants' use
10 of the Work;

11 3. Direct Corporate Domains and any successor domain name registrar for the
12 Domain to lock the Domain and transfer control of the Domain to Righthaven;

13 4. Award Righthaven statutory damages for the willful infringement of the Work,
14 pursuant to 17 U.S.C. § 504(c);

15 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
16 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

17 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
18 law; and

19 7. Grant Righthaven such other relief as this Court deems appropriate.
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DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated this twenty-fifth day of June, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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